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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,102	12/22/2005	Franz Amtmann	AT03 0035 US1	8092
65913	7590	02/01/2010		
NXP, B.V. NXP INTELLECTUAL PROPERTY & LICENSING M/S41-SJ 1109 MCKAY DRIVE SAN JOSE, CA 95131			EXAMINER LU, ZHIYU	
			ART UNIT 2618	PAPER NUMBER
			NOTIFICATION DATE 02/01/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

Office Action Summary	Application No. 10/562,102	Applicant(s) AMTMANN ET AL.	
	Examiner ZHIYU LU	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 11/09/2009 have been fully considered but they are not persuasive.

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Regarding rejection on claim 1, applicant argued that both Roz and Arakawa fail to teach changing the duty ratio "as a function of the item of comparison information" as recited in claim.

However, the Examiner does not agree. As explained in rejection, Roz teaches every claim limitation including the comparison limitation except "modifying the ratio of the duration of the load period (TB) to the duration of the succeeding off-load period (TE) as a function of the item of comparison information (VI)". Nevertheless, Arakawa teaches modifying duty ratio based on determined power source (e.g., battery voltage, column 37 lines 26-35, line 36 to column 38 line 44) with an objective of power saving. It corresponds to the teaching of Roz because the comparison of Roz is to determine power source condition. So, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Arakawa's teaching into the apparatus of Roz for power saving.

Thus, the rejection is proper and maintained.

Regarding rejections on claims 2-6 and 8-12, applicant argued that Roz does not teach detection means designed "to determine the coil voltage arising between the first and second coil terminals" as recited in claim 5. Applicant then argued that Roz does not teach a detection means that is designed "to determine a bleed current through a regulator stage" as recited in claim 6.

However, the Examiner does not agree. Since the coil voltage arising between the first and second coil terminals whenever there is a RF signal reception, it would have been obvious to one of ordinary skill in the art to recognize that the detection means notices/determines the coil voltage change at coil terminals when there is a signal reception. As for claim 6, since there is

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no specific limitation to further define bleed current and regulator stage with their respective operation/process/function, one of ordinary skill in the art would have interpreted the limitation as detect incoming current for charging.

Thus, the rejections are proper and maintained.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-12 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roz (US6462647) in view of Arakawa et al. (US7283810).

Regarding claim 1, Roz teaches a data carrier for contactless communication with a base station by means of an electromagnetic field (HF) generated by the base station (4), having

an antenna coil (32 of Fig. 5) connected to a first coil terminal (360 of Fig. 5) and to a second coil terminal (361 of Fig. 5), in which antenna coil an antenna signal (34 of Fig. 5) can be induced in operation by the electromagnetic field, and having

modulation means (column 4 lines 18-25) for modulating the electromagnetic field, during successive load periods (TB) and off-load periods (TE), with transmission data (UDD, KUDD) to be communicated to the base station, the electromagnetic field (HF) being load-modulated during the load periods (TB) by modifying the value of the impedance of a

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modulation load that is connected at least indirectly to the first coil terminal and the second coil terminal (basically operation of modulating signal, column 2 lines 11-25), and having

detection means for detecting an item of energy information (EI, IRI) that characterizes the energy content of the antenna signal (ASD) (column 4 lines 26-44, detect energy for charging), and having

comparator means for comparing the item of energy information (EI, IRI) detected with a preset item of energy information and for emitting an item of comparison information (VI) (column 4 lines 47 to column 5 line 41).

But, Roz does not expressly disclose having modification means for modifying the ratio of the duration of the load period (TB) to the duration of the succeeding off-load period (TE) as a function of the item of comparison information (VI).

Arakawa et al. teach modifying duty ratio based on power source determination for saving power consumption (e.g., battery voltage, column 37 line 26 to column 38 line 44), which would have obviously suited for the data carrier of Roz in the event of defining power source by comparator means.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate changing duty ratio based on defined power source taught by Arakawa et al. into the data carrier of Roz, in order to save power consumption.

Regarding claim 7, Roz and Arakawa et al. teach an integrated circuit of a data carrier for contactless communication with a base station by means of an electromagnetic field generated by the base station as explained in response to claim 1 above.

Regarding claims 2 and 8, Roz and Arakawa et al. teach the limitations of claims 1 and 7.

Roz and Arakawa et al. teach wherein the modification means (19) are designed to increase the ratio of the duration of the load period (TB) to the duration of the succeeding off-load period (TE) if the item of comparison information (VI) characterizes an item of energy information (EI, IRI) that has been detected that exceeds the preset item of energy information (in case of using battery power source instead of accumulated power source after comparison in Roz, obviously higher battery power source provides a longer duty ratio in teaching of Arakawa et al. for longer operation time).

Regarding claims 3 and 9, Roz and Arakawa et al. teach the limitations of claims 1 and 7.

Roz and Arakawa et al. teach wherein the modification means (19) are designed for the stepless modification of the ratio of the duration of the load period (TB) to the duration of the succeeding off-load period (TE) (duty ratio change is obviously stepless since load period and off-load period are adjacent).

Regarding claims 4 and 10, Roz and Arakawa et al. teach the limitations of claims 1 and 7.

Roz and Arakawa et al. teach wherein the modulation means are designed to modulate the electromagnetic field (HF) with a subcarrier signal (HTS), the sum of the duration of the load period (TB) and the duration of the off-load period (TE) corresponding to the length of one cycle

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of the subcarrier signal (HTS) (definition for duty cycle).

Regarding claims 5 and 11, Roz and Arakawa et al. teach the limitations of claims 1 and 7.

Roz and Arakawa et al. teach wherein, to detect the energy content of the antenna signal (ASD), the detection means are designed to determine the coil voltage (US) arising between the first and second coil terminals (column 4 lines 26-44, detecting and converting signal energy).

Regarding claims 6 and 12, Roz and Arakawa et al. teach the limitations of claims 1 and 7.

Roz and Arakawa et al. teach wherein, to detect the energy content of the antenna signal (ASD), the detecting means are designed to determine a bleed current (IR) through a regulator stage (column 4 lines 26-33).

Regarding claim 17, Roz and Arakawa et al. teach the limitation of claim 1.

Roz and Arakawa et al. teach wherein the modification means outputs an item of ratio information, which indicates the ratio of the load period to the off-load period, to the modulator means (as explained above, Arakawa et al. teach determining ratio of load period to off-load period based on power source indication, which obviously outputs the ratio information to the modulator means for duty ratio modification).

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ZHIYU LU whose telephone number is (571)272-2837. The examiner can normally be reached on Weekdays: 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on (571) 272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Zhiyu Lu
Examiner
Art Unit 2618

/Zhiyu Lu/
Examiner, Art Unit 2618
January 22, 2010

/Duc Nguyen/
Supervisory Patent Examiner, Art Unit 2618